

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-487-C - ORDER NO. 2009-911

DECEMBER 29, 2009

IN RE: Petition of BellSouth Telecommunications,)	ORDER REVERSING
Incorporated d/b/a AT&T South Carolina)	NUMBERING
Requesting the Commission's Intervention in)	DETERMINATION
Numbering Resources Determinations in the)	
Sullivans Island Rate Center)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Petition of BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (“AT&T” or the “Company”) for Review of the North American Numbering Plan Administration’s and/or the Pooling Administrator’s (collectively “NANPA/PA”) central office code numbering resources decision to deny the Company’s request for numbering resources 843-732 NPA-NXX in the Sullivans Island Rate Center. According to AT&T, it submitted this request to NANPA/PA on October 16, 2009. AT&T states it does not have the numbers to meet the request of its customer, Comprehensive Maintenance Services, and asks that the Commission reverse NANPA/PA’s denial.

AT&T elaborates that it was necessary to request the full NPA/NXX because the number specifically requested by its customer is in the 843-732 NPA/NXX, and this NPA/NXX is not currently active. The Company further explains that this customer requested a specific number because its advertisement in the Charleston directory does

not contain the 843 area code, and calls placed to the NXX-XXXX number listed in the directory in the Charleston area are not being connected. If the Petition is granted, AT&T states it will retain the 843-732-5xxx block of numbers upon activation and will return the remaining 9,000 numbers to the national pool of numbers.

NANPA/PA's refusal stems from the Federal Communications Commission's ("FCC") "rate center" basis for determining the need for new numbering resources. Under FCC rules, carriers must exhaust their numbering inventory within six months of the application and meet a rate center utilization threshold of 75 percent in order to receive additional numbering resources. However, the record reveals that the Sullivan's Island Rate Center is 14.057 months from exhausting their inventory and is using 31.617 percent of its numbering resources.

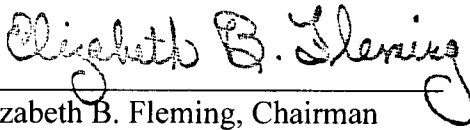
Although AT&T fails to meet NANPA/PA's requirements, the FCC maintains a policy that "under no circumstances should customers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 000-429 at ¶ 61. To this end, the FCC allows carriers to challenge a NANPA/PA decision at the appropriate state regulatory commission. FCC 01-362 at ¶¶ 61-66; Central Office Code (NXX) Assignment Guidelines § 13.0. States may grant relief "if a carrier demonstrates that it has received a request for numbering resources in a given rate center that it cannot meet with its current inventory." FCC 01-362 at ¶ 64.

We find that the South Carolina Public Service Commission, as the regulator of the rates and service of telecommunications companies under the authority of S.C. Code


Ann. § 58-9-210 et seq., has the authority under both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines to review a decision by NANPA/PA denying a request for numbering resources. We further find that AT&T has demonstrated receipt of a customer request for numbering resources in the Sullivans Island Rate Center that it cannot meet with its current inventory. It is our opinion that these additional numbering resources are necessary for AT&T to provide its customer with the required telecommunications service. Consequently, we hold that NANPA/PA is directed to approve AT&T's request for numbering resources 843-732 NPA-NXX in the Sullivans Island Rate Center.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)